



Appeal Decision

Site visit made on 21 March 2018

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 18 April 2018

Appeal Ref: APP/H1840/W/17/3191061

Bever Lodge, Church Lane, Norton, Worcester WR5 2PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Jill Mounce against the decision of Wychavon District Council.
 - The application Ref 17/01308/OUT, dated 22 June 2017, was refused by notice dated 9 November 2017.
 - The development proposed is an outline application with all matters reserved for new build single-storey bungalow, to include partial demolition of Bever Lodge to facilitate plot width. Resubmission of 17/00235/OU.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is in outline with all matters reserved for future consideration. Drawings showing an indicative site layout and position of a proposed access road were submitted with the application. I have had regard to these in the determination of this appeal.
3. The application form describes the proposed development as 'Outline application with all matters reserved for new build three bedroom, two storey dwelling, to include partial demolition of Bever Lodge to facilitate plot width. Resubmission of 17/00235/OU'. The Council's Decision Notice and the appellant's appeal form describes the proposed development as 'Outline application with all matters reserved for new build single-storey bungalow, to include partial demolition of Bever Lodge to facilitate plot width. Resubmission of 17/00235/OU'. The appellant's statement also refers to the proposed development as being a bungalow. I have therefore determined this appeal on the basis that the proposed development relates to the construction of a bungalow and not a two storey dwelling.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area.

- The effect of the proposed development on the living conditions of the occupants of the adjacent property, Rosehurst, with particular regard to outlook and light.
- The effect of the proposal on highway safety.

Reasons

Character and appearance

5. The appeal site comprises the western side garden of Bevere Lodge which is a single storey detached bungalow. Although properties in the vicinity are of different design styles and construction ages, this part of Church Lane comprises of detached two storey and bungalow dwellings set in generous plots with wide noticeable gaps between the side elevations of adjacent properties. The plot sizes, in particular, are a noticeable feature that makes an important contribution to the character of this part of Church Lane.
6. The proposed development would involve the construction of a single storey bungalow positioned in the existing gap between the host dwelling and the adjacent property, Rosehurst. Access would be via the existing vehicular access to Bevere Lodge which would become a shared access with parking spaces provided in front of the proposed dwelling.
7. The proposal would introduce a form of development that would unacceptably erode the established spacious character of dwellings having adequately proportioned plot sizes on this part of Church Lane. It would result in a cramped form of development with the proposed dwelling having a significantly smaller garden and plot width in comparison to the existing residential development on this part of the street.
8. In addition, the established and characteristic wide gap between adjacent properties would be eroded and a noticeably localised cramped and denser form of development would be introduced than that of the surrounding area. Although parts of Church Lane to the north-west display a denser form of development, the immediate building group in the vicinity of the appeal site contributes to a more spacious character. Collectively, these factors would result in the proposal appearing as being unacceptably at odds with the distinctive character of adjacent development.
9. Taking the above factors into account, the proposed development would have a materially harmful and unacceptable effect on the character and appearance of the surrounding area. As such, it would be contrary to Policy SWDP21 of the South Worcestershire Development Plan 2016 (Development Plan). This policy, amongst other things, requires new development to be of a high quality design that integrates with its surroundings and complements the character of the area.

Living conditions

10. The adjacent property, Rosehurst, has French doors in the rear elevation and a secondary side window in the elevation facing the appeal site. Although the proposed development would be positioned relatively close to the property boundary, the submitted indicative drawings show that a form of development could be accommodated on the appeal site that would not impinge on a line drawn at 45 degrees from the centre of the nearest window in the French

doors. Consequently, I am satisfied that a form of development could be achieved that would not significantly affect the outlook from, or light received at, the French doors.

11. The proposal would undoubtedly affect the outlook and light received at the window in the side elevation of Rosehurst. However, the indicative plans suggest that the front elevation of the proposed development would be positioned such that a degree of outlook from the window would be retained, although some early morning sun would be lost.
12. I have also taken into account the fact that both main parties refer to this window as being secondary. As such, I agree with the appellant that the degree of protection that may be afforded to this window should not necessarily be of the same extent as that that should be afforded to principal windows. In my view, the loss of outlook and light affecting the side window would not be of an extent that would warrant the dismissal of this appeal on that ground alone.
13. The proposed dwelling would be positioned close to the property boundary with Rosehurst. However, taking into account the modest size of the proposed dwelling, the single storey construction, the plot size of Rosehurst and my findings regarding the effect of the proposal on the windows of the adjacent property, I do not consider that the proposal would appear as being unacceptably overbearing.
14. I therefore conclude that the proposed development would not be significantly overbearing or result in a loss of outlook and light from the rear and side windows of Rosehurst of an extent that would cause an unacceptable impact on the living conditions of the occupants of that property. Consequently, there would be no conflict with Policy SWDP21 of the Development Plan which requires, amongst other things, that development should address neighbouring amenity and should not be unduly overbearing.

Highway safety

15. The horizontal alignment of Church Lane when viewed for the existing access to Beveridge Lodge is relatively straight to the extent that adequate visibility can be achieved in both directions. Whilst I accept that the existing access is not provided with splays, it is adequate to ensure that vehicles can access and egress without unacceptably compromising highway safety. In any event, appropriate planning conditions could provide for splays reasonably relative to the road speed limit to be provided were I minded to allow the appeal.
16. I observed at my site visit that the area shown on the indicative plans for parking was already occupied by parked vehicles. I have no other evidence to suggest that the proposed internal parking and manoeuvring areas would either be inadequate or be of an arrangement that would unacceptably compromise highway safety. Moreover, given my findings regarding the suitability of the existing access, I do not consider that the additional traffic that may use it would give rise to an unacceptable highway safety impact.
17. Taking these factors into account, I do not consider that the proposed development would significantly compromise highway safety. As such, there would be no conflict with Policy SWDP 4 of the Development Plan. This policy,

amongst other things, requires that development proposals should address road safety.

Other matters

18. I have taken into account the personal circumstances of the appellant and the need to provide accommodation for an elderly parent. Whilst I have some sympathy with the appellant in that regard, this supporting need for the development does not outweigh the harm that would be caused to the character and appearance of the surrounding area.
19. The application site is located to the east of St James the Great Church, a Grade II* Listed Building. Although the Council has raised no concerns regarding the impact of the proposed development on this designated heritage asset, I am nevertheless required to have regard to the statutory duty to consider the effect of the proposal on such asset. In applying the statutory test as set out in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have had regard to the desirability of preserving or enhancing the designated heritage assets. Given the separation distance between that appeal site and the Listed Building, I am satisfied that the proposal would preserve those interests.
20. I have also taken into account the fall-back position relating to the extant permission for a detached double garage. Although, the proposed garage would be a substantial structure it would be a domestic out-building within the curtilage of the existing dwelling. It would not result in the creation of a separate dwelling and curtilage with an associated narrow plot width. Although the fall-back position is an important material consideration, it would cause significantly less harm to the character and appearance of the surrounding area than would be the case with the appeal proposal. Therefore, the fall-back position would not outweigh the harm that would be caused to the character and appearance of the area as a consequence of the appeal proposal.

Conclusion

21. I have found that the proposed development would not cause an unacceptable impact on the living conditions of the occupants of Rosehurst and would not unacceptably compromise highway safety. However, these matters do not outweigh the harm that would be caused to the character and appearance of the surrounding area. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR